

1                                    IN THE UNITED STATES DISTRICT COURT  
2                                    FOR THE NORTHERN DISTRICT OF CALIFORNIA

3  
4  
5 KATHLEEN REESE,

No. 12-00877 CW

6                                    Plaintiff,

CASE MANAGEMENT  
ORDER

7                                    v.

8 NORTEL NETWORKS INC,

9                                    Defendant.  
10 \_\_\_\_\_/

11                                    A case management conference is not required in this ERISA  
12 case. The Case Management Statement and Proposed Order filed by  
13 the parties are hereby adopted by the Court as the Case Management  
14 Order for the case, except as noted below.

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16                                    The case is hereby referred to private mediation for  
17 alternate dispute resolution, to be held by August 13, 2012.

18                                    The parties do not intend to amend their pleadings. Initial  
19 disclosures shall be made by June 13, 2012.

20                                    Plaintiff may seek discovery informally from Defendant, which  
21 Defendant shall provide if the requests are not burdensome. If  
22 the parties cannot agree, the parties may file a joint discovery  
23 letter brief and the Court will refer discovery to a magistrate  
24 judge. Any discovery shall be completed by December 13, 2012. If  
25 Plaintiff wishes to supplement the Administrative Record,  
26 Plaintiff shall attempt to obtain a stipulation from Defendant to  
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1 do so. If the parties cannot agree on supplemental evidence,  
2 Plaintiff may include a request to supplement the Administrative  
3 Record in the brief on the motion for judgment, submitting the  
4 proposed supplemental evidence with a declaration.

5 The case shall be resolved on cross-motions for judgment  
6 pursuant to Rule 52 of the Federal Rules of Civil Procedure and  
7 Kearney v. Standard Insurance, 175 F.3d 1084 (9th Cir. 1999). The  
8 briefs shall address the scope of review and whether the Court's  
9 review is limited to the Administrative Record or whether  
10 supplemental evidence should be considered.

11 Plaintiff shall file her motion for judgment in a single  
12 brief of no greater than twenty-five pages on January 10, 2013.


13 Defendant shall file its opposition and cross-motion for  
14 judgment in a single brief of no greater than twenty-five pages on  
15 January 24, 2013.

16 Plaintiff shall file a reply and opposition to the cross-  
17 motion of no greater than fifteen pages on January 31, 2013.

18 Defendant may file a reply to the cross-motion of no greater  
19 than fifteen pages on February 7, 2013. The hearing will be held  
20 on February 21, 2013 at 2:00 pm in Courtroom 2.

21 IT IS SO ORDERED.

22 Dated: 6/1/2012

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26 CLAUDIA WILKEN  
27 United States District Judge  
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